

**Amendment and Response**

Applicant: Alexander C. Ranous et al.

Serial No.: 09/559,693

Filed: April 27, 2000

Docket No.: 10002147-1

Title: INTERNET USAGE DATA RECORDING SYSTEM AND METHOD EMPLOYING DISTRIBUTED DATA PROCESSING AND DATA STORAGE

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**REMARKS**

This Amendment is in response to the Non-Final Office Action mailed April 24, 2003. Claims 1-29 were rejected. With this Response, claims 30-39 have been added. Claims 1-39 remain pending in the Application and are presented for consideration and allowance.

**Drawings**

Applicant noticed an error in Figure 2. With this Response, Applicant has submitted an annotated sheet showing changes to Figure 2, adding element number 80. Applicant requests approval of the proposed drawing change. Upon approval of the proposed change, a formal drawing will be submitted.

**Objection to the Specification**

The Examiner objected to the specification because it contains an embedded hyperlink and/or other form of browser-executable code per the MPEP §608.01. The only such language included in the present Application refers to example IP addresses, such as 1.2.3.4 or 2.3.4.5 (see pages 34-36 of the Application). These references to the IP addresses are for exemplary purposes only, much as the names Joe, Bob and Sue are used to represent possible user names for exemplary purposes only. These exemplary designations are included to aid description of the invention and to ensure compliance with 35 U.S.C. §112, first paragraph. Furthermore, the Applicants do not intend to have these references function as active links. MPEP §608.01 states that where browser executable codes are "included in the patent application in order to comply with the requirements of 35 U.S.C. §112, first paragraph, and applicant does not intend to have these hyperlinks be active links," that such codes should not be objected to. For at least these reasons, Applicant respectfully requests the objections to the specification be withdrawn.

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**Claim Rejections under 35 U.S.C. § 102(e)**

Claim 1 is rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,963,914 issued to Skinner et al. (hereinafter "Skinner"). Applicant submits that the Skinner reference fails to disclose the invention of independent claim 1.

Independent claim 1 recites a network usage system having a multiple level distributed data storage system. The system comprises a set of first level network data collectors and a second level network data collector. Each first level network data collector receives network accounting data from a network data source, processes and stores the network accounting data at the first level network data collector. The second level data collector receives processed network accounting data from one or more first level network data collectors, processes and stores the network accounting data at the second level network data collector.

Skinner discloses a system for analyzing and documenting time and work expended by a user on a computer. (Col. 7, lines 9-12). The system 100 includes two software modules. A first module includes data collection and analysis functions, such as watching "every key stroke that comes in from the keyboard 102." (Col. 7, lines 39-53; and Col. 8, lines 16-17). The second module is a filter that watches each keystroke and mouse click and tracks which file is actually being used. (Col. 8, lines 36-56).

Applicants submit that Skinner does not disclose **the network usage system having a multiple level distributed data storage system** of independent claim 1. Skinner further fails to disclose **a set of first level network data collectors, wherein each first level network data collector receives network accounting data from a network data source, processes and stores the network accounting data at the first level network data collector.** Further yet, claim 1 recites **a second level network data collector, wherein the second level network data collector receipt is processed, network accounting data from one or more first level network data collectors, processes and stores the network accounting data at the second level data collector.** Skinner does not teach or suggest these claimed recitations. The multiple level distributed data storage system of independent claim 1 is not disclosed in Skinner. Applicants respectfully submit that the above rejection under 35 U.S.C. § 102(e) should be withdrawn.

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Dependent claims 2-8 depend directly or indirectly upon independent claim 1.

Accordingly, dependent claims 2-8 are also allowable over the art of record.

Skinner also does not teach or suggest the claimed recitations in independent claim 11. Claim 11 recites a network usage system having a multiple level distributed data storage system. The system includes a first network data collector, a second network data collector and a data correlator collector. The first network data collector includes a first encapsulator, a first aggregator, and a first data storage system. The second network data collector includes a second encapsulator, a second aggregator, and a second data storage system. The data correlator collector includes a third encapsulator, a third aggregator, and a third data storage system, wherein the third encapsulator is in communication with the first data storage system and the second data storage system. Skinner does not teach or suggest these claimed recitations. Applicants respectfully submit that the above rejection under 35 U.S.C. § 102(e) should be withdrawn.

Dependent claims 12-20 depend either directly or indirectly upon independent claim

11. Accordingly, these dependent claims are allowable over the art of record.

Skinner also does not teach or suggest the claimed recitations in independent claim 21. Claim 21 recites a method for recording network usage including storing network data in a multiple level data storage system. The method includes defining a set of first level network data collectors. A first set of network accounting data is received at each first level network data collector. The first network accounting data set is processed and stored at the first level network data collector. A second level network data collector is defined. The first network accounting data set from one or more first level network data collectors is received. The first network accounting data set is processed to produce a second network accounting data set. The second network accounting data set is stored at the second level network data collector. Skinner does not teach or suggest these claimed recitations. Applicants respectfully submit that the above rejection under 35 U.S.C. § 102(e) should be withdrawn.

Dependent claims 22-29 depend either directly or indirectly upon independent claim

21. Accordingly, these dependent claims are allowable over the art of record.

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**Claim Rejections under 35 U.S.C. § 103(a)**

Claims 9-10 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Skinner reference in view U.S. Patent No. 4,361,877 issued to Dyer et al. (hereinafter "the Dyer reference"), dependent claims 19-23 and 20-30 depend either directly or indirectly upon corresponding independent claims 1 and 21. Accordingly, the dependent claims are allowable over the art of record.

**Added Claims**

Applicant has added claims 30-39, which are directed to a network usage recording system and method. Applicant believes added claims 30-39 to be allowable over the art of record.

**CONCLUSION**

In light of the above, Applicant believes independent claims 1, 11, 21, 30 and 36 and the claims depending therefrom, are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Response should be directed to Philip S. Lyren at Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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By their attorneys,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 24th day of July, 2003.

By Steven E. Dicke  
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